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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,786	04/05/2001	Patrick Montoya	10954-003	4084

7590 07/03/2006

Douglas L. Wathen, Esq.  
GIFFPRD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWS  
P. O. BOX 7021  
TROY, MI 48007-7021

EXAMINER

LOFTIS, JOHNNA RONEE

ART UNIT PAPER NUMBER

3623

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/826,786

Applicant(s)

MONTOYA, PATRICK

Examiner

Johnna R. Loftis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7,9,10 and 12-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9,10 and 12-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following is a final office action upon examination of application number 09/826,786. Claims 1-7, 9, 10 and 12-30 are pending and have been examined on the merits discussed below.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-7, 9, 10 and 12-30 have been considered but are moot in view of the new ground(s) of rejection. Prior rejections in view of Matyas have been updated to reflect changes in claim limitations. In addition new rejections under 35 USC 112 have arisen in response to new amendments to claims.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As for claim 1, it is not clear how correlating identifying indicia with a database reveals whether a relationship exists between the indicia and the client. Since the client is submitting the indicia there is inherently some relationship since the client is in possession of the indicia. By correlating the indicia with a database, are the indicia simply stored in a database?

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How can access be granted to survey results if it is not clear how a relationship between indicia and client is verified? Corrections and explanation requested.

5. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: a survey results request system. As claimed, there is no active step of requesting survey results, therefore without requesting the survey results how does the system determine ownership thereby forwarding requested survey results? Correction and explanation requested.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-5, 9, 10, 12-20, 22, 23 and 26-30 rejected under 35 U.S.C. 102(a) as being anticipated by Matyas, US 6,102,287.

As per claim 1, Matyas teaches establishing communication between a client and a survey collector having previously collected survey results (column 19, lines 4-15 – buyer requests URL for HTML page from evaluator); receiving by the survey collector a request from the client for the previously collected survey results (column 19, lines 4-15 – the buyer clicks on the hyper-link to request product evaluation information); providing the client with a survey

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questionnaire from the survey collector (column 19, lines 37-60 – the buyer clicks on the survey link to receive the survey questionnaire over the internet ); receiving by the survey collector from the client a survey response to the survey questionnaire (column 19, lines 55-60 – the buyer answers the questions in the survey questionnaire); receiving by the survey collector identifying indicia from the client (column 3, lines 25-35 – the buyer generates and authentication code to include with the survey information; the evaluator verifies the purchase transaction using the authentication code; column 10, lines 43-52 – one can only use the system after registering his public key); correlating the identifying indicia of the client with a database and if a relationship exists between the identifying indicia and the client, providing access to the previously collected survey results to the client (column 10, lines 43-52 – one can only use the system after registering his public key; column 19, lines 4-15 – buyer clicks on the hyperlink to obtain product evaluation information).

As per claim 2, Matyas teaches establishing communication is done via the Internet (figure 8 and column 18, lines 36-41).

As per claim 3, Matyas teaches relating the survey questionnaire by subject matter to the previously collected survey results (column 19, lines 4-54 – the survey questionnaires along with the collected survey results are all related in that they are all directed to product evaluation).

As per claim 4, Matyas teaches the request for previously collected survey results and the survey questionnaire are related to automotive vehicles (column 19, lines 4-60 – the buyer clicks on a product of interest; a buyer requests a survey that permits the buyer to fill in the survey questionnaire for the purchased product, which inherently could be any purchased product including an automotive vehicle).

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As per claim 5, Matyas teaches providing the client with the survey questionnaire includes requesting the identifying indicia from the client (column 15, lines 54-67 and column 16, lines 1-50 – verification that the product was purchased takes place to ensure responses originate from buyer).

As per claim 9, Matyas teaches determining if a relationship exists between the identifying indicia and the subject matter of the survey questionnaire (column 19, lines 4-60 – the buyer clicks on a product of interest and then requests a survey that permits the buyer to fill in the survey questionnaire for the purchased product, wherein the survey is related to the purchased product).

As per claim 10, Matyas teaches determining if a relationship exists between the identifying indicia and the client (column 3, lines 25-35 – the buyer generates an authentication code to include with the survey information; the evaluator verifies the purchase transaction using the authentication code).

As per claim 12, Matyas teaches the previously collected survey results include a composite survey response (column 19, lines 4-15 – collected survey results include survey responses for many products).

As per claim 13, Matyas teaches the composite survey response is unrelated to the survey questionnaire (column 19, lines 4-15 – collected survey results include survey responses for many products – inherently the requested survey results are unrelated to the survey questionnaire if the user submits survey questionnaire for one product, but requests survey results for another product).

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As per claim 14, Matyas teaches the composite survey response is generally related to the survey questionnaire (column 19, lines 4-15 – collected survey results include survey responses for many products – inherently the requested survey results are generally related to the survey questionnaire if the user submits survey questionnaire for one product, and requests survey results for another closely related product).

As per claim 15, Matyas teaches the client is denied access to the previously collected survey results if no relationship is found between the indicia and the client (column 8, lines 50-67 – registration is needed to access the system, if registration is denied, one cannot access survey results or anything associated with the system).

As per claim 16, Matyas teaches assimilating the survey response into a composite survey response (column 19, lines 29-54 – each survey response is received by the system and stored as a response).

As per claim 17, Matyas teaches a survey questionnaire system which electronically forwards a survey questionnaire on a product to a requesting client (column 19, lines 37-60 – the buyer clicks on the survey link to receive the survey questionnaire over the internet); a product ownership verification system which uses information provided by the client to determine ownership by the client of the product which is the subject of the survey questionnaire (column 3, lines 25-35 – the buyer generates an authentication code to include with the survey information; the evaluator verifies the purchase transaction using the authentication code); and a survey results system which forwards requested survey results only if ownership of the product by the client is determined (column 19, lines 4-15 – the buyer clicks on the hyper-link to request

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product evaluation information – inherently only survey information that has previously gone through the ownership verification system is forwarded).

As per claim 18, Matyas teaches verification utilizes a database to correlate the information provided by the client with ownership of the product by the client (column 3, lines 25-35 – the buyer generates and authentication code to include with the survey information; the evaluator verifies the purchase transaction using the authentication code)

As per claim 19, Matyas teaches the verification system utilizes a database publicly accessible via the internet (column 16, lines 46-67 – an internet access provider is used to verify purchase).

As per claim 20, Matyas teaches the verification system utilizes a subscription based database accessible via the internet (column 16, lines 46-67 – an internet access provider is used to verify purchase – inherently subscription based since all internet access is paid for).

As per claim 22, Matyas teaches the verification system grants access to the survey results system upon verifying ownership of the product by the client (column 19, lines 4-15 – the buyer clicks on the hyper-link to request product evaluation information – inherently only survey information that has previously gone through the ownership verification system is forwarded).

As per claim 23, Matyas teaches the verification system denies access to the survey results system upon inability to verify ownership of the product by the client (column 19, lines 4-15 – the buyer clicks on the hyper-link to request product evaluation information – inherently only survey information that has previously gone through the ownership verification system is forwarded



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As per claim 26, Matyas teaches the survey questionnaire system includes software adapted to forward a survey questionnaire to be completed and electronically returned to the survey questionnaire system (column 3, lines 60-64 – software implementation of the survey process; column 19, lines 37-60 – the buyer clicks on the survey link to receive the survey questionnaire over the internet).

As per claim 27, Matyas teaches updating a survey answers database upon completion and return of the survey questionnaire by the client (column 22, line 49 – column 23, line 2 – the product evaluation information is updated upon receiving additional survey responses).

As per claim 28, Matyas teaches a client registration system including software which manages data regarding clients previously utilizing the system and including a registered member database (column 10, lines 43-53 – a buyer can use the system only after registration wherein they buyer can then continue to use the system using the registration information)

As per claim 29, Matyas teaches the survey questionnaire relates to product. An automotive vehicle is inherently included since a vehicle is a product that is purchased.

As per claim 30, Matyas teaches the requested survey results relates to products (column 19, lines 4-15 – the buyer can request to view product evaluation information compiled from other survey responses). An automotive vehicle is inherently included since a vehicle is a product that is purchased

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6, 7, 21, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matyas, US 6,102,287.

As per claim 6, Matyas teaches identifying indicia (column 3, lines 25-35 – the buyer generates and authentication code to include with the survey information; the evaluator verifies the purchase transaction using the authentication code), but does not explicitly teach the indicia is a product identification number. It would have been obvious to one of ordinary skill in the art to correlate the authentication code of Matyas to the actual product by including the product identification number as the authentication code for purposes of verifying the purchase of the product.

As per claims 7 and 21, Matyas teaches identifying indicia (column 3, lines 25-35 – the buyer generates and authentication code to include with the survey information; the evaluator verifies the purchase transaction using the authentication code), but does not explicitly teach the indicia is a VIN number. It would have been obvious to one of ordinary skill in the art to correlate the authentication code of Matyas to the actual product or vehicle purchased by including the VIN number as the authentication code for purposes of verifying the purchase of the vehicle.

As per claim 24, Matyas does not explicitly teach a client entered into a drawing upon completion of a survey questionnaire. However it is old and well known in the art of surveys and incentives to enter a person into a prize drawing after completion of a survey as a way to

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entice people to complete surveys. By offering to enter a person in a prize drawing the distributor of the survey can increase the number of people who fill out the survey.

As per claim 25, Matyas does not explicitly teach one of a monetary payoff of a loan taken out by the client to purchase the product; a monetary payoff of a specified number of loan or lease payments by the client to acquire the product; and a fixed monetary amount. However it is old and well known in the art of surveys and incentives to offer a monetary award to those who complete a survey. By offering to enter a person in a drawing for a monetary award, the distributor of the survey can increase the number of people who fill out the survey.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bayer et al, US 6,311,190 – system for conduction surveys in different languages over a network with voter registration

Bossemeyer, Jr. et al, US 6,510,427 – customer feedback acquisition and processing system

Brinkerhoff, US 6,963,848 – methods and system of obtaining consumer reviews

Hecksel et al, US 6,151,707 – system and method for product registration

Khuc et al, US 6,819,759 – system and method for providing personalized and customized services for call center customers waiting in queue

Klingman, US 5,950,172 – secured electronic rating system

Landesmann, US 6,735,572 – buyer-driven targeting of purchasing entities

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Schroeder et al, US 6,760,727 – system for customer contact information management and methods for using same

Sloo, US 5,668,953 – method and apparatus for handling a complaint

Yoshino, US 6,618,504 – business management system

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnna R. Loftis whose telephone number is 571-272-6736. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL

6/7/06



Beth Van Doren  
Beth Van Doren  
AU 3623